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ILLINOIS

AND THE

THIRTEENTH AMENDMENT

TO THE

Constitution of the United States.

A Paper

Read before the Chicago Historical Society,

Tuesday Evening, January 15, 1884,

BY

William Bross, A.M.,

Lieutenant Governor of Illinois, 1865-69.

CHICAGO:
JANSEN, McCLURG & CO.,
1884.

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Coll. C.W.

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Chicago Historical Society,

140 and 142 dearborn avenue,

Chicago, January 17th, 1884.

Hon. Wm. Bross.

Dear Sir: *I have the honor to inform you that at a meeting of the Chicago Historical Society, held on the 15th inst., on motion of Gen. A. L. Chetlain, the thanks of the Society were unanimously tendered to you, for your valuable historical paper, entitled, "The Thirteenth Constitutional Amendment in the Illinois Legislature in 1865," and the request was made that you furnish the Society a copy of the same for publication.*

Very Respectfully,

Albert D. Hager,

Secretary.

THE THIRTEENTH AMENDMENT.

"SEC. 1. NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE, EXCEPT AS A PUNISHMENT FOR CRIME WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED, SHALL EXIST WITHIN THE UNITED STATES, OR ANY PLACE SUBJECT TO THEIR JURISDICTION.

"SEC. 2. CONGRESS SHALL HAVE POWER TO ENFORCE THIS ARTICLE BY APPROPRIATE LEGISLATION."

At the meeting of the Chicago Historical Society, Tuesday evening, Jan. 15, 1884, Ex.-Lieut. Governor William Bross read the following paper:

History records eras of marked and commanding interest in the progress of mankind. From them nations take their departure to a more free and vigorous life. Various are the causes which produce them, and they are often many years, it may be ages, in working out the grand results which, culminating in a single day, make it ever after one of the most noteworthy in the annals of the race. Such was the 15th of June in the year of grace 1215, when the clergy, the barons, and the freemen of England, extorted from King John that great charter of human rights whose principles live to-day in the Constitution of the United States and in that of every State in this Union. They are the vital elements of our free institutions, giving to every man the right of appeal to the laws of the land, and only for crime, and in the judicial execution of those laws, can he be deprived of his property, his liberty, or his life. Such, too, was

the Fourth of July, 1776, and such a marked event also was the 19th of July, 1787, when the ordinance was passed prohibiting slavery in all the Northwestern Territories. That remarkable enactment was passed unanimously by the representatives of the old thirteen States, in five of which slavery then existed. To that the great States of Ohio, Indiana, Illinois, and Wisconsin, owe their freedom from "the sum of all villainies," and virtually also the States west of the Mississippi and north of Missouri. The territory of which they are composed then belonged to Spain.

And, again, to that charter of freedom granted at Runnymede by King John in 1215 can be traced directly the submission of the thirteenth amendment to the Constitution by Congress to the several States, abolishing slavery in all the States and Territories of the Union on the 1st day of February, 1865. It was passed the day before, but it was not enrolled and formally submitted to the States till Wednesday, February 1. The morning of that day, it having passed the evening before, the Republican papers all through the nation had the most enthusiastic editorials, marking the day as one of the most glorious in the history of the Republic.

THAT THIRTEENTH AMENDMENT,

when adopted by the States, as it surely would be, "proclaimed liberty throughout the land to all the inhabitants thereof." Between the passage of the grand old ordinance of 1787, for which the five slave States voted unanimously, and the adoption of the Constitution in 1789, the leaders of the slave power had shown fears for the safety of the accursed institution, and they demanded and obtained a recognition of it and a tacit consent not only to its continuance, but that their Representatives in Congress should be increased by three-fifths of the slaves themselves. Had the Northern States demanded an equal representation for their cattle, the claim would have been equally absurd. But at the time the framers of the Constitution believed this compromise the best that could be made, vainly hoping that slavery would die out amid the blaze of Christian light and knowledge —in fact, that it would miserably perish by its own intrinsic rottenness. Vain, delusive hope. By its arrogance and fiendish energy for three score and ten years it had seduced a large party

in the free States to support whatever iniquity it dared to commit; it had virtually stamped out the right of petition; it had passed laws by which every man in the free States was made a sleuth-hound to hunt down the poor slave when fleeing for refuge under the British flag; it had struck down with brutal bludgeon in the very halls of Congress, one of the ablest and noblest Senators of the Republic—till at last it had thrust a skeleton into almost every house in the land during four years of wicked, causeless rebellion. The bloody and then nearly successful and righteous war to put it down, their National Convention—for it was virtually theirs—in this very city of Chicago, with an effrontery and fiendish malignity scarcely equaled in all history, declared in 1864 to be a failure; and when on the first day of February, 1865, Congress submitted to the States the amendment of freedom, can it be a wonder that the whole nation, from the Atlantic to the Pacific, from the Lakes down the Father of Waters to the Gulf, rang with thankful shouts of victory and freedom? That morning

THE CHICAGO TRIBUNE,

always in sharp contrast with the venomous treason of its Copperhead neighbor, said:

"The last shackle is gone from the limbs of Freedom. There is henceforth no shelter for the oppressor in all the land. The man-seller and the woman-whipper, the negro-driver and the man-hunter, may read their doom gone forth in the record of yesterday, which will shine on the page of all time with the greatest events that have blessed our race. In the halls where pro-slavery, rancor, and hate through long years held Liberty bound and gagged to be buffeted by her enemies, Freedom has been decreed, and a glad nation comes rejoicing to its remotest bounds. Liberty is the law of the land. No barbarism out of the past will threaten a nation whose law-givers have dared to hold fast to the primal law of human progress—human rights.

"This gigantic stride in our progress towards national purity, universal liberty and righteous peace will be hailed with deep exultation and religious gratitude by our liberty loving American people. We congratulate the friends of Freedom in the present Congress that they have redeemed the fame of that body. They have removed, so far as they had the power, the last moral stain from our National escutcheon—the only disgrace from our flag."

The little corner that still held out in what Brownlow called "Jeff Davis' ungodly dominions" heard in that shout the knell of doom. Only a few weeks more, and Sherman's brave boys crushed out the last vestige of the rebellion.

It is to the part taken by Illinois in confirming this glorious amendment to the Constitution of the United States that I wish specially to call your attention. The news of its passage was received in Springfield on the morning of the first of February with an all-absorbing sense of its vast importance and the solemn duties it imposed upon the State. This feeling was intensified when a message was received from Gov. Oglesby, whose stalwart system will carry a rebel bullet to his dying day, officially informing the legislature of the passage of the amendment of freedom, and asking its immediate adoption.

In his message the Governor, among other things, said :

"Let Illinois be the first State in the Union to ratify by the act of her Legislature this proposed amendment to the Constitution of the Uuited States. It is just, it is humane, it is constitutional, it is right to do so."

In another paragraph he says in regard to its ratification : "Let us do so, and do so now."

Mr. McConnell moved that the communication be referred to the Committee on Federal Relations.

On motion of Mr. Mack the rules were suspended and he presented the following joint resolution :

"WHEREAS, The Congress of the United States has proposed to the several States the following amendment to the Federal Constitution, viz,:

"'SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"'SEC. 2. Congress shall have power to enforce this article by appropriate legislation.'

"Therefore, be it

"*Resolved*, by the Senate and House of Representatives concurring herein, that the State of Illinois, by its Legislature, ratifies and assents to said amendment."

On motion of Mr. Mack, the rules were suspended, the resolution read, and referred to the Committee on Federal Relations.

On motion of Mr. Peters, the Senate adjourned till 2 o'clock.

After some unimportant business in the afternoon, the Committee reported, and Mr. Mack called up the joint resolution above given.

Here speeches were made against the measure, by Judge Green, of Alexander, Mr. Cohrs, and some other Democrats, merely, as they said, to put themselves on the record, and, as all understood them, to maintain their consistency. But all were in a very kindly spirit, and made no factious opposition to the passage of the

amendment. The Republicans, with a solemn sense of the responsibility they were assuming, remained satisfied to record their votes for it, while Senator McConnell, the Nestor of the Senate, and for a third of a century a leading member of the Democratic party, made an able, eloquent, and intensely patriotic speech in its favor.

Mr. Van Deveer moved that it lie on the table, and be made the special order for to-morrow morning at 10 o'clock. This was decided in the negative—yeas, 11; nays, 12.

Mr. Mack then moved the previous question. The yeas and nays being demanded, it was decided in the affirmative—yeas, 15; nays, 9.

The question then being, "Will the Senate adopt the resolution ?" the yeas and nays were as follows: In the affirmative—Adams, Allen, Bushnell, Eastman, Green of Marion, Lansing, Lindsay, Mack, Mason, McConnell, Metcalf, Peters, Richards, Scofield, Strain, Ward, Webster, Worcester—yeas, 18.

Those voting in the negative were Cohrs, Green of Alexander, Hunter, Riley, Van Deveer, Wescott,—6.

Eighteen to six is surely a very handsome majority.

The House had also before them the message of Gov. Oglesby, but on receiving the joint resolution from the Senate it was taken up. Mr. McCoy moved the previous question, and it was decided in the affirmative—yeas, 55; nays, 20.

So the main question was ordered, and the joint resolution was adopted—yeas, 48; nays, 28.

Thus, so far as Illinois is concerned,

THE THIRTEENTH AMENDMENT

became an integral part of the Constitution of the United States. The dry details of the official record copied above give no sign of the deep solemnity which accompanied the passage of the resolution. The whole history of the struggles of mankind for freedom through all the ages seemed pictured on the minds of the members. Especially did visions of the dear ones sleeping their last sleep that the Union might live, that by this sublime act this dark, foul blot might be wiped from her

proud escutcheon, appear to drive out every other thought. Men spoke in whispers, as if standing among the tombs of the past, and before them was the angel of light and liberty pointing to the glorious future of the Republic. The few who opposed were merely maintaining their consistency, and in their inmost souls were glad that this day would mark another forward and substantial movement in the progress of the race. At the distance of nearly nineteen years, some—doubtless all—of the men who voted for this great measure of freedom regard it as the most important act of their lives. I certainly do—signing it for the people of Illinois as presiding officer of the Senate. That in all the future it will stand out as a marked event in human progress there cannot be a particle of doubt.

A resolution adopting the amendment was passed by the other States in the following order: Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia.

The 18th of December, 1865, the Secretary of State issued a proclamation, stating that twenty-seven of the thirty-six States, a constitutional majority of three-fourths, having assented to and ratified the Thirteenth Amendment, it was thereafter to be a binding provision in the Constitution of the United States. The foot of the slave can therefore nevermore pollute the soil of America. And let it go down for all future time in the history of the Republic, that in this glorious achievement, the grand result of four years of bloody, fratricidal war, made by the slaveholders themselves, Illinois stands first among all her sister States. Our children in all the distant future may well point to it with honest, patriotic pride. With unwavering trust in the guidance and the protection of Israel's God, let them—let all Americans—ever cherish the sublime aspiration of Webster, "Liberty and Union, now and forever, one and inseparable."

NOTE.—The Historical Society will send this paper to their correspondents Those of my personal friends who receive it, will please accept it with my compliments, W. B.

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